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Elections to fill vacancies in subsidiary organs and other elections: election of 47 members of the Human Rights Council

Note verbale dated 8 April 2006 from the Permanent Mission of Azerbaijan to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Azerbaijan to the United Nations presents its compliments to the President of the sixtieth session of the General Assembly and has the honour to inform him that the Government of Azerbaijan has decided to present its candidature to the Human Rights Council for a seat allocated to the Eastern European Group at the first elections to be held on 9 May 2006.

Azerbaijan never had a chance to serve on the Commission on Human Rights despite the fact that for the first time ever, in 2005, it was elected to its membership for the period 2006-2008. Now, in accordance with General Assembly resolution 60/251, the Commission on Human Rights has been replaced by the Human Rights Council. Azerbaijan therefore ceased its tenure without even substantively commencing its membership. Given this fact, Azerbaijan will appreciate the opportunity to be elected to this important human rights body.

Azerbaijan is fully committed to the promotion and protection of human rights and fundamental freedoms. My country attaches great importance to the enhanced cooperation with relevant international organizations and their respective bodies and institutions. In particular, the Government of Azerbaijan has been closely cooperating with the special procedures mandate holders and expresses its readiness to continue cooperation in the years to come.

Azerbaijan is also a party to all major international human rights instruments and has recognized the competence of the respective United Nations treaty monitoring bodies (see enclosure 1).

Also enclosed herewith is an aide-memoire (see annex) supporting the aspiration of Azerbaijan to serve on the Human Rights Council.

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Annex to the note verbale dated 8 April 2006 from the Permanent Mission of Azerbaijan to the United Nations addressed to the President of the General Assembly

Aide-memoire

Azerbaijan has decided to present its candidature for election to the United Nations Human Rights Council at the elections to be held on 9 May 2006 during the 60th session of the General Assembly.

Azerbaijan considers the protection and promotion of human rights to be a priority of its internal and foreign policy agenda. It assumes that security and peace, development and human rights are cornerstones for the contemporary international relations, while the rule of law, democracy and protection and promotion of human rights and main freedoms are key pillars for the national development.

The protection and promotion of human rights are enshrined in the Constitution of Azerbaijan. Since regaining its independence in 1991, Azerbaijan became a party to all major universal and regional human rights treaties, including seven core United Nations instruments that have established the monitoring mechanisms on their implementation. Azerbaijan has consistently fulfilled its reporting obligations under these treaties and has undertaken follow-up measures based on recommendations of the treaty bodies. Implementation of Azerbaijan's commitments under the human rights treaties, including of those set forth the UN Charter, and in the human rights documents and treaties adopted within the framework of the OSCE and the Council of Europe is of crucial importance. Azerbaijan has recognized the competence of all respective treaty bodies to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation.

The Government of the Republic of Azerbaijan has been closely cooperating with the Special Procedures mandate holders. It has extended invitations to various mandate holders on different issues and is expressing its readiness to further cooperate with them in the years to come.

At national level, measures to promote and protect human rights and fundamental freedoms include the effective functioning since 2001 of the office of national human rights defender – Ombudsperson, the ongoing reforms of the judicial and penitentiary systems, regular amendments and revisions of the Election and Penal Codes in accordance with recommendations of the international organizations. Furthermore, the amendments made to the Constitution of Azerbaijan in 2002 granted citizens with the right to directly appeal to the Constitutional Court. Particular attention is being attached to freedom of information and functioning of free and independent mass media, and recent developments in this field include the initiative to establish a separate office of ombudsperson on mass media.

At the international level, in line with its overall support to the United Nations' activities in the field of human rights Azerbaijan fully supported the reform of the existing UN human rights machinery, in particular the strengthening of the Office of the High Commissioner on Human Rights and the replacement of the Commission on Human Rights with a stronger and more efficient Human Rights Council. Despite the grave humanitarian situation in the country, Azerbaijan is amongst those countries that contributed through financial support to strengthening of the activity of the Office of the United Nations High Commissioner for Human Rights.

Azerbaijan views **the concept of dialogue** in a broad sense of the word, to comprise, *inter alia*, interaction with civil society and non-governmental organizations, Special Procedures as well as dialogue among civilizations, States with national and regional particularities and various historical, cultural and religious backgrounds. In this regard, Azerbaijan also welcomes the decision that the Council should serve as a forum for a dialogue on thematic issues on all human rights.

Although Azerbaijan never had an opportunity to serve as a member of the Commission on Human Rights (with the exception of a very brief period of time this year when it became member and coordinator of the Eastern European Regional Group, including member of the CHR Expanded Bureau), it has actively contributed to the work of the Commission as an observer.

In particular, Azerbaijan initiated and was the main sponsor of the biennial **resolution on Missing Persons**, which was elaborated with the support of ICRC and has been adopted in both CHR and the General Assembly by consensus with considerable number of co-sponsors from all regions of the world.

In line with its **strong commitment to promotion of gender equality and advancement of women**, Azerbaijan as Member of the Bureau of the Economic and Social Council, successfully facilitated the consultations and adoption without a vote of the draft resolution entitled "Review of Economic and Social Council agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes in the United Nations system" at its 2004 substantive session.

Azerbaijan is also actively engaged into the **activities aimed at fighting racism and racial discrimination**. It served as vice-chair at the Durban Conference held in South Africa, in 2001. Azerbaijan closely follows and contributes to the work of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Program of Action.

Both at national and international levels, Azerbaijan proceeds from **the interrelatedness, interdependence, indivisibility and mutual reinforcement of all human rights**, civil and political on the one hand, and economic, social and cultural rights on the other, including the right to development. Azerbaijan believes that there cannot be the hierarchy amongst rights, and equal focus should be placed on all human rights.

With this understanding, Azerbaijan supports the mandate of **the Working Group on Optional Protocol to the International Covenant on Economic, Social and Cultural Rights** and will further continue to contribute to the work of the Working Group and adjustment and prolongation of its mandate.

Azerbaijan attaches special importance to the mandate and work of **the Working Group on a draft legally binding normative instrument for the protection of all persons from enforced disappearances**, and further consideration of its report at the first session of the Human Rights Council in June 2006 is a matter of significance for Azerbaijan.

In its **future activities**, Azerbaijan has strong intention to continue to contribute to the United Nations' action in the field of promotion and protection of human rights. Azerbaijan stresses its commitment to actively participate in the work of the Human Rights Council in the spirit of dialogue and cooperation and to further support the strengthening of the UN human rights machinery, in particular the Office of the High Commissioner for Human Rights.

If elected, Azerbaijan would actively contribute to the work of the Human Rights Council proceeding from the necessity of realization of all human rights, including the right to development, as well as to strive for rationalizing the system of special procedures. Azerbaijan will continue to place special focus on promotion of gender equality and advancement of women, as well as on the rights of the child and other vulnerable groups.

At national level, Azerbaijan reiterates its readiness to continue its cooperation with special procedures mandate holders and treaty monitoring bodies and to employ measures in line with their recommendations and concluding observations.

Enclosure 1

Principal international instruments to which Azerbaijan is a party

Human rights law

1. International Convention on the Elimination of All Forms of Racial Discrimination (1966)
2. International Covenant on Economic, Social and Cultural Rights (1966)
3. International Covenant on Civil and Political Rights (1966)
4. Optional Protocol to the International Covenant on Civil and Political Rights (1966)
5. International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)
6. Convention on the Elimination of All Forms of Discrimination against Women (1979)
7. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
8. Convention on the Rights of the Child (1989)
9. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)
10. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
11. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)
12. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
13. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)

Law of refugees and stateless persons

1. Convention relating to the Status of Refugees (1951)
2. Convention relating to the Status of Stateless Persons (1954)
3. Convention on the Reduction of Statelessness (1961)
4. Protocol relating to the Status of Refugees (1967)

International humanitarian law

1. Convention on the Prevention and Punishment of the Crime of Genocide (1948)
2. Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, August (1949)
3. Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)
4. Convention (III) relative to the Treatment of Prisoners of War (1949)
5. Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949)
6. Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (1968)

Enclosure 2

Azerbaijan: voluntary pledges and commitments on human rights in accordance with General Assembly resolution 60/251

Actions to improve promotion and protection of human rights domestically

In line with the strong commitment to fully and effectively implement its obligations under international and regional treaties and other documents to which it is Party, at national level Azerbaijan pledges to:

- **Ratify the Optional Protocol to the Convention against Torture;**

- **Ratify the Council of Europe Convention on Action against Trafficking in Human Beings;**

- **Present its 2nd periodic report on implementation of the Council of Europe Framework Convention on the Protection of National Minorities;**

- **Launch the State Program on Poverty Reduction and Sustainable Development** for 2006-2015 which will constitute long-term strategy for the achievement of MDGs and for the promotion of economic and social rights of all citizens;

- **Continue its close cooperation with the Office of High Commissioner for Human Rights,** in particular through the current technical cooperation project on "Strengthening of Capacities and Infrastructure for the Protection and Promotion of Human Rights in Azerbaijan", as well as within new initiatives;

- **Maintain constructive dialogue and cooperation with all Special Procedures,** in particular with the Special Rapporteur on freedom of speech and opinion within the framework of his upcoming visit to Azerbaijan in 2006;

- **Continue its cooperation with treaty bodies,** in particular the Committee on the Rights of Child within the framework of the upcoming visit of the Chairperson of the CRC to Azerbaijan and by implementing the concluding observations of the Committee with regard to the recently presented 2nd periodic report on the Convention on the Rights of Child;

- **Explore new ways of cooperation with UNIFEM in the field of mainstreaming gender perspectives into national poverty reduction strategy** within the framework of the upcoming visit of the Executive Director to Azerbaijan in May 2006;

- Further enhance collaboration with relevant regional organizations, in particular the Council of Europe and OSCE with a view to ensuring full and efficient promotion and protection of human rights at national level, especially in the spheres of media and elections; take further steps towards improving current legislative framework in relevant fields.

Support and contribution to activities aimed at promotion and protection of human rights at international level

Azerbaijan has strong intention to continue to contribute to the United Nations' action in the field of promotion and protection of human rights by committing itself to:

- Take active part in the work of the Human Rights Council by promoting development of human rights norms by the Council and by contributing to new international cooperation programs and initiatives on human rights;

- Cooperate with all stakeholders to promote and protect human rights universally, *inter alia* through dialogue, exchange of expertise, technical cooperation and advice, proceeding from the indivisibility and interrelatedness of all human rights, civil and political, on the one hand, and economic, social and cultural rights, on the other, including the right to development;

- Further contribute to broadening dialogue among civilizations, cultures and religions;

- Strive for rationalizing and strengthening of the system of Special Procedures;

- Continue its contribution to the work of the Working Group on Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and strive for adjustment and prolongation of its mandate;

- Maintain its support and contribution to the work of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Program of Aciton;

- Take active part in discussions on the reform of the UN treaty body system;

- Provide financial support to relevant bodies of the UN system, in particular those responsible for child protection, gender equality and protection of vulnerable groups, and strive for improved and effective coordination among UN human rights bodies.